



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

Specific Waiver

SUBJECT Request by Poway Unified School District to waive <i>Education Code</i> (EC) Section 56362(c): allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) Crystal Ochoa assigned at Garden Road Elementary School . Waiver Number: 33-5-2004	<input checked="" type="checkbox"/> Action
	<input checked="" type="checkbox"/> Consent

RECOMMENDATION

Approval Approval with conditions Denial

That the district will provide additional instructional aide assistance at least eight hours daily per district agreement to the affected resource specialist who is over her caseload.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 and CCR, Title 5, Section 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

A Resource Specialist is a credentialed teacher who provides instruction and services to children with Individualized Education Programs (IEP) that are with regular education teachers for the majority of the school day. Resource Specialists coordinate special education services with the regular school programs for their students. Statute limits caseload for Resource Specialists to no more than 28 pupils unless the State Board of Education grants a waiver.

SUMMARY OF KEY ISSUES

CCR, Title 5, Section 3100 states: The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory minimum during the waiver's effective period. The following affected resource specialist will have an increase in her caseload from 28 students to 32 students.

California Department of Education staff confirmed that Crystal Ochoa at Garden Road Elementary School in Poway Unified School District has agreed to the increase in her caseload. She will not have had a caseload exceeding 28 students for two consecutive years. Additionally, the district will provide an additional three hours from the five hours

Poway Unified School District, Page 2

that were originally approved to help monitor IEP implementation. The resource specialists bargaining unit participated in the waiver development and stated that they were neutral.

Authority for the Waiver: EC 56101, and CCR Title 5, Section 3100.

Bargaining unit(s) consulted on date(s): May 12, 2004

Position of bargaining unit(s) (choose only one):

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Don Raczka, Poway Federation of Teachers.

Local board approval date(s): May 18, 2004

Period of request: April 5, 2004, to June 17, 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, the Poway Unified School District will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students placing a financial hardship on the district.

BACKGROUND INFORMATION

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.